Emergencies Act Key Messages – February 20, 2022 (2:20 PM)

- As I said yesterday, the situation across the country remains concerning, volatile and unpredictable. We are continuing to see a range of protest events and solidarity actions across the country, with ports of entry and legislatures the key targets.

- I want to underscore two key bottom lines off the top.

- First – as it relates to Ottawa and Ontario, there is an operational need to maintain access to these powers to ensure we can finish what we started and prevent any retrenchment. Even for the next 2-3 weeks.

- It is important that we retain the ability to maintain the perimeter, restrict travel and ensure we can continue to choke off financial support and other assistance to the protestors in Ottawa.

- It is also about our ability to leverage these additional powers in public messaging, which has underscored that the Emergencies Act is in place. Revoking or withdrawing the Act now, will send a powerful message to protestors.

- Second – it is about the ability of police services across the country to leverage the powers to deter, disperse, and decrease protests around POEs and other key sites.

- While there are hundreds of smaller events across the country, we were tracking nearly 30 higher-profile events going into this weekend at POEs and in provincial capitals.

- From a policing perspective, it is still early days for these regulations – while it feels like weeks, these measures have only been available to the RCMP and policing partner as of Tuesday night.

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- Officers on the front line – and importantly those directing them – need time to fully understand these powers, and to determine how they can be helpful on the ground.

- Of course we have taken steps to help this learning process along, but we are still only talking about less than 5 days since the measures were made available. Just one weekend, with March break ahead.

- Outside of Ottawa, the most immediate impact has been on public messaging and communication. These powers have been a deterrent for at least some protest groups in how they conduct themselves. They are an additional tool for our Liaison Officers who are engaging with groups to seek to minimize disruptions and ensure that protest activities remain lawful. From a police resourcing perspective, fewer or smaller protests has a positive impact on police services across the country.

- I am concerned that removing these authorities too quickly will incentivize a regrouping/re-escalation of protests. The situation is still very fluid.

- In the last 24 hours alone, we saw temporary closure at the Pacific Highway Border Crossing, and there were concerns/pressures at Lacolle and other POEs, as well as protests at various provincial capitals.

- On any given day our resources, and those of our policing partners, are stretched. We don't yet know how groups will react to enforcement this weekend. If things flare across the country, it will be challenging to quickly redeploy and ensure there are enough of the right resources at each site to respond effectively.

- The restrictions related to travel, minors, our ability to compel services like tow trucks, and the financial measures are important and useful at this time.

Impact in Ottawa

- Based on advice from the command team in Ottawa, the revocation of the Emergencies Act now or the immediate future carries a number of operational risks.

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- While significant progress has been made, there is still a lot to do to search out and remove remaining elements of the protest groups, and to prevent further waves of protests. Wellington Street has been cleared for less than a day.

- This a complex police operation that will require some time to return to a normal state.

- The situation is still volatile as many protestors left voluntarily with their trucks, but remain around Ottawa. It is unknown if they will return or target another location. These people have strong beliefs, and for many that left voluntarily, they have not yet faced consequences.

- Some protesters are within the red zone in hotels and have indicated to police they are not leaving.

- Further, there are staging sites around the city and information online suggests some are staging in the area and planning a potential return. There are other bases of operation such as in Embrun.

- Like the situation in Windsor at the Ambassador Bridge, policing partners need to maintain an increased police presence in the downtown area to keep the streets free of further action and to guard against a potential return of those who have left, or others seeking to come in solidarity.

- However, unlike Windsor, in Ottawa we are managing a larger area with multiple points of entry.

- As I have already spoken about, the emergency economic measures have been used effectively. Accounts have been frozen. We have at least one report of a person being called home by their families.

- Their continued availability will assist in preventing further offences and in ensuring protestors leave the area. We are able to both target funding coming in, and deter other individuals and businesses from providing assistance to protestors to stay in the area or return to the Ottawa area.

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- The power to compel services to secure towing equipment and operators was also used in this operation with two companies. While we have largely cleared the streets, it's unclear if we will have continued access to these services if needed in the coming days, if the measures are withdrawn or revoked. You may have seen that the operators removed the decals from their trucks and wore balaclavas to hide their identity – these individuals/companies are unlikely to provide services without the EA.

- The perimeter that is in place uses multiple legal authorities, including the Emergencies Act.

- The police have an existing authority to establish security perimeters. This is a common law authority which allows police to establish perimeters in order to perform their duties, for example, to secure crime scenes to preserve evidence, to ensure public safety at accidents, and even to ensure safety at demonstrations/protests.

- But, the size of the perimeter set up in Ottawa (10 city blocks), brings a new element to the exercise of this ancillary power, and there is uncertainty about our ability to maintain such a large zone without the Act. The regulations more clearly authorize this perimeter, and strengthen our ability to maintain it for a period of time to keep protestors out of the area.

- This plus the travel restrictions that provide the police with a greater ability to intervene to prohibit travel to places where unlawful assemblies are already taking place or are reasonably expected to take place will be important to bringing the situation in Ottawa to a conclusion.

- The other key consideration relates to communications. It is important to Ottawa, but has a broader impact in other parts of the country. Our public messaging to the protestors has highlighted that the Emergencies Act is in force, there is an injunction in place, that people are participating in an illegal protest, and are subject to criminal charges.

- If the Act is revoked or withdrawn, it will send a message that the protest is no longer illegal, even if that is not the actual legal impact.

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- At this critical stage we need to ensure that there is no shift in messaging. We don't want to embolden those that have just left, or those that are still here and considering their options.

- We need to restore order, the rule of law and confidence in Canada's institutions.

- It is just too early to revoke the Emergencies Act.

If pressed on timing

- On timing, I think we need to see how things evolve over the next couple of weeks.

- The situation is fluid and volatile. We don't yet know how others will react to enforcement in Ottawa, or how this long weekend in many parts of the country will end.

- Withdrawing measures at this stage will likely embolden some groups and undermine our public messaging.

- As time goes on, provinces are lifting a number of restrictions, which are the stated grievance of many of the protestors. This may help.

- Police and government institutions require trust and confidence to be legitimate. We have many of the protestors who don't recognize this, and others who are feeling let down by what they have seen these last few weeks.

- If there is a retrenchment, it will further erode public trust and confidence.

If pressed on key powers:

- Key powers from our perspective to help maintain order and deter further action in the near term are:

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- the additional weight the Act gives to an unlawful assembly including with respect to securing perimeters, and if needed designating an area to allow preventive/protective measures to be taken where there is intelligence of planned action;
- the travel restrictions, which provide police with a greater ability to intervene to prohibit travel to places where unlawful assemblies are already taking place or are reasonably expected to take place;
- the provisions related to children being brought into illegal assemblies;
- the compelling powers with respect to towing equipment; and
- the additional financial tools to continue to choke off funding and prevent assistance.

If asked about the merit of new legal tools / exclusion zones

- Looking longer term, we should explore adding legal tools to our toolkit including the ability to better define and enforce exclusion zones around critical infrastructure, POEs, other sites of national importance.

- There are a number of situations where it could be powerful from both a security and an economic perspective, when combined with needed enforcement capacity.

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